

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

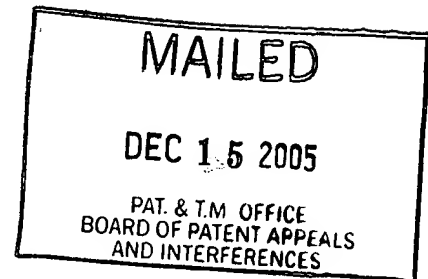
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MICHAEL RICHARD COOPER, MARK JOSEPH HAMZY,
SCOTT THOMAS JONES and MARK WAYNE VANERWIELE

Appeal No. 2005-2551
Application 09/434,765

ON BRIEF



Before THOMAS, RUGGIERO, and BLANKENSHIP, Administrative Patent Judges.

THOMAS, Administrative Patent Judge.

DECISION ON APPEAL

Appellants have appealed to the Board from the examiner's final rejection of claims 1 through 7, 10 through 14 and 27, claims 15 through 26 having been canceled by appellants and the examiner allowing claims 8 and 9 and objecting to claims 28 and 29.

Representative claim 1 is reproduced below:

1. A method in a server for serving an image from the server to a client, comprising the steps of:

receiving a client request from the client, wherein the client request specifies a set of one or more bitmap characteristics for an image transfer, at least one of the bitmap characteristic including a number of bits per pixel;

responsive to the client request, generating a version of the image for the image transfer that conforms to the set of specified bitmap characteristics; and

serving the version of the image back to the client.

The following references are relied on by the examiner:

Hunt	5,764,235	Jun. 9, 1998
Lo	5,911,044	Jun. 8, 1999

Claims 1 through 7, 10 through 14 and 27 stand rejected under 35 U.S.C. § 103. As evidence of obviousness, the examiner relies upon Hunt alone as to claims 1 through 5, 10 through 14 and 27, with the addition of Lo as to claims 6 and 7.

Rather than repeat the positions of the appellants and the examiner, reference is made to the brief (no reply brief has been filed) for the appellants' positions, and to the answer for the examiner's positions.

OPINION

For the reasons set forth by the examiner in the answer as embellished upon here, we sustain the rejections of all claims on appeal under 35 U.S.C. § 103. According to appellants' grouping at page 3 of the brief as well as the actual arguments presented in the brief, independent claim 1 is representative of all those claims in the first stated rejection and claim 6 is representative of the claims in the second stated rejection.

The focus of appellants' arguments in the brief is the feature recited at the end of representative claim 1 on appeal of responsive to a client request, "generating a version of the image for the image transfer that conforms to the set of specified bitmap characteristics." Earlier recited in this claim is that one of these characteristics includes the number of bits per pixel. There is no specified requirement in the claim, however, that the actual generation is based upon the number of bits per pixel, only the more general term of specified bit map characteristics, which is recited to possibly passively include the number of bits per pixel.

Each of the arguments presented in the brief is consistent with the brief description of Hunt at specification page 2, line 19 through specification page 4, line 14, discussing Hunt as prior art to appellants. The ability of the client to selectively choose the additive nature of the separate segments such as in figure 6A amounts, in our view, to an ability to selectively generate a version of the image to the extent broadly recited in the claims on appeal. To the extent actually recited in the claim, the generating feature does not argue for patentability merely because, as in the discussion of Figure 5 at column 8, the variable or selective quality of the individual segments depicted in Figure 6A has been previously computed in advance and stored in a server machine 304 among the various figures. It is the selectability based upon the commands received at the server from the client that permits the interpretation of the reference that selectively generates a version of an image based upon the set of specified bit map characteristics that are received from the client at the server.

It is first revealed in the Summary of the Invention in Hunt that the user has the ability to selectively determine or increase in effect the image quality desired. This is achieved by the use in part of the selective addition of representative segments C1-C5 in Figure 6A discussed at the bottom of column 8. The net result is that the actual amount of the data transferred to the client from the server increases in accordance with the higher quality desired.

As argued in the paragraph bridging pages 8 and 9 of the brief on appeal and as indicated at specification page 6, line 10 in the Summary of the Invention as disclosed, "the image is processed 'on-the-fly' as it is served" in response to the client's request to produce a given version customized according to the specific request. This feature is not actually recited in these terms in representative claim 1 on appeal.

Figure 11 of Hunt depicts in flow chart form the actual image customization feature, which is discussed beginning at column 11, line 26. In the discussion beginning here through the end of the patent or at least through column 13, line 30, the depicted image format is customized in part according to the requirements of a printer format which may have a specified bitmap arrangement as discussed at the top of column 12 as well

as at the bottom of this column. It is thus seen therefore that contrary to the extent argued as to the first stated rejection in the brief on appeal, the claimed specified bitmap characteristics are taught or at least strongly suggested as being selectable by the client. This is consistent with the examiner's reasoning at page 4 of the answer in the statement of the rejection of representative claim 1 where the examiner indicated that the examiner considered that it would have been obvious to the artisan that the control information would include an ability to specify a bitmap characteristic such as a number of bits per pixel. Specifying the number of bits per pixel sets the color depth of the image thus allowing the users to control image quality, a major topic throughout Hunt's teachings. This argument of the examiner has not been contested by appellants in the brief and no reply brief has been filed. This analysis has been emphasized again by the examiner at page 8 of the answer in the Response Arguments portion thereof.

As to the separate rejection of representative claim 6 in light of the collective teachings of Hunt in view Lo, we also sustain this rejection for reasons set forth by the examiner in the answer. As to Hunt, this reference shows a web browser in Figure 2 briefly discussed in the middle of column 5 as well

as the web browser shown in its entirety in Figure 9 discussed at column 10. It is clearly associated with the Figure 3 showing of the client machine 302. On the other hand, none of the showings or discussions clearly indicate that a graphical user interface of any kind is associated with the web browser, but such are well known in the art anyway as represented by the teachings in Lo.

Remarkably, the client machine in Figure 3 of Hunt does not show any type of input device from the user, although it is clearly implicit by the use of term web browser associated with this machine that such is clearly necessarily required. It is thus apparent that the client image control data discussed throughout Hunt is entered through the use of the web browser taught in that reference.

With this background in mind, the examiner's brief reasoning in the paragraph bridging pages 6 and 7 of the answer is compelling of the obviousness of combining the teachings of Lo of transferring an image over a server to a client by setting graphical controls such as a graphical user interface as represented in Figure 10 using a slider mechanism shown there. Hunt contains prolific teachings of the user setting forth specific control information at a client to send to a server but simply fails to actually detail how this is done. From an artisan's prospective, Lo is clearly representative of the state

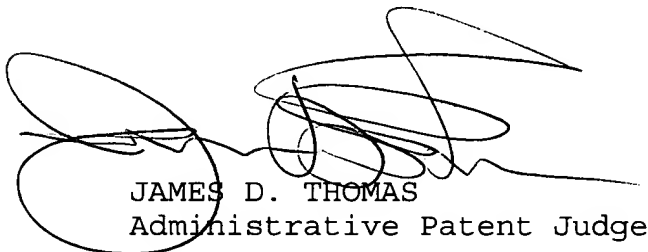
of the art as to how that would actually be accomplished using the generalized graphical user interface in representative claim 6 on appeal. The examiner's reasoning at the top of page 7 is well-founded since "both teach systems and apparatuses for transmitting images with client specified characteristics over a network to the client." We agree with the examiner's views also expressed at the top of page 9 of the answer that "both Hunt and Lo disclose downloading a client-customized image over a network from a server." The examiner also emphasizes that Lo teaches the ability to transfer customized images from a server computer to a client computer, which is the same general approach taken by Hunt. We are therefore unpersuaded that the artisan would not have found it obvious within 35 U.S.C. § 103 to have combined the teachings of Lo and Hunt even though they may be characterized, as appellants do beginning at page 12 of the brief, as being directed to different problems with different solutions.

In view of the foregoing, the decision of the examiner rejecting all claims on appeal under 35 U.S.C. § 103 is affirmed.

Appeal No. 2005-2551
Application 09/434,765

No time period for taking any subsequent action in
connection with this appeal may be extended under 37 CFR
§ 1.136(a)(1)(iv).


AFFIRMED



JAMES D. THOMAS
Administrative Patent Judge



JOSEPH F. RUGGIERO
Administrative Patent Judge



HOWARD B. BLANKENSHIP
Administrative Patent Judge

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